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REMARKS

Claims (numbered) 1 through 32 inclusive were examined and rejected by Office Action mailed March 22, 2005. Amendments are presented above and the claims numbered 1- 32 inclusive remain in the case.

It is useful, prior to a more detailed discussion to simply note what is physically at issue. Figure 2b shows an adhesive 50 (for securing an outer surface of flow cell 26 to an annular block. Barriers 53a,b are shown (addressing that portion of the drawing) which have the function of containing or constraining the axial extent of the adhesive and protecting the integrity of a sample from any interaction with the adhesive. These items 53a,b (and similarly 63a,b) are termed "adhesive-separation barriers".

REJECTIONS per §102(b)

The rejection on Marek, of record, does not concern a structure that is at once sample flow tubing and also utilizes an adhesive to structurally bind that sample flow tubing to another portion of the flow cell. Consider that the "connector for fluidically connecting the sample flow tubing to the flow cell" has been identified by the Examiner with items 3 and 4 of Marek and the adhesive separation barrier was identified with Marek col. 6, lines 16-20. In fact, there is no separation barrier to be found in Marek aside from the location of Marek's adhesive to a site well outside of, and out of contact with the fluid sample. This identification is simply not germane to the structure described in the claims. Amendment is presented herein to establish a definition of the flow cell, per se, as that conduit having a surface in contact with the flowing sample. Applicant believes that the Examiner has treated the entire Marek apparatus as a "flow cell" and that mere semantic device should be dispelled by the amendment. This limiting phrase is attached to the incidence of the flow cell wherever that element is introduced in the independent claims.

Notice that Marek's contribution to this art is in structure for thermal isolation of the cryogenic environment of RF probe electronic constituents from the room temperature environment of the sample. That room temperature environment is Marek's bore for conveying room temperature gas to circulate about a sample vessel 6 inserted into said bore. The sample vessel 6 has no connectors shown or specifically described, but certainly does not discuss use of an adhesive for assembly of that vessel. Instead, the Examiner has noticed Marek's use of an

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adhesive for construction of Marek's radiation shield(s) from rods and fibers, as described by Marek at col. 6, lines 16- 20 and *ante*. The radiation shield is entirely within the cryostatic vessel formed by Marek's items 3,4 and 5 and certainly do not pose a risk of contamination of the sample in Marek's sample vessel 6. The independent claims and their dependencies are therefore distinguished from Marek.

REJECTION per §103(a)

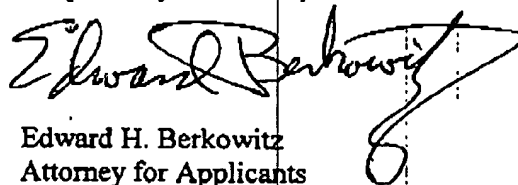
The addition of Wand to Marek does not cure the deficiency of Marek as above shown. Wand does no more than introduce an O ring to the equipment in the usual straightforward function of sealing one surface against another. There is no role for Wand's O ring to contain the axial extent of an adhesive. Accordingly, the claims rejected per section 103 are not obvious in view of the combination, nor the references taken independently. The Examiner's suggestion, that Applicant's paper filed 1/14/05 is relevant to the discussion, has been studied with some puzzlement. These remarks simply concern the relationship of embodiments.

CONCLUSION

Amendment is offered for the independent claims 1, 14, 17, 18, 21, 29 and 30. The amending language provides antecedent basis, and more precisely describes and emphasizes the context of the present contribution to the art.

The Examiner's arguments are all expressly grounded on par. 2 (apparently par. 2-7) of the Action. In view of the discussion above and the amendment of claims 1, 14, 17, 18, 21, 29 and 30, Applicant believes that the claims are now in condition for allowance and such action is respectfully requested.

Respectfully submitted,



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